

AN ORDINANCE AMENDING CHAPTER 15.28 "FIRE PREVENTION CODE"
OF THE ST. CHARLES MUNICIPAL CODE

WHEREAS, not less than three (3) copies of: (a) the 2009 International Fire Code for One and Two Family Dwellings, published February 2009 by International Code Council, Inc., 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041-3401, (b) the NFPA 101 Life Safety Code, 2009 edition, published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02169-7471, and (c) the NFPA 72 National Fire Alarm Code, 2007 edition, published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02169-7471, have been and are on file in the Office of the Clerk of the City of St. Charles, Illinois for more than thirty (30) days prior to the passage and approval of this Ordinance; and

WHEREAS, the City of St. Charles has provided notice to the Illinois Building Commission regarding proposed changes to regulations regarding construction related activities within the City of St. Charles, as provided by 20 ILCS 3918/55; and

WHEREAS, the City Council finds it to be in the interest of the City of St. Charles to periodically update codes regulating buildings and structures.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois as follows:

SECTION ONE: That Title 15, "Buildings and Construction", Chapter 15.28 "Fire Prevention Code" of the St. Charles Municipal Code be and is hereby amended by deleting it in its entirety and by substituting the following therefor:

"15.28.010 Fire Prevention Code, Life Safety Code - adopted - modifications.

The provisions of a) the ICC International Fire Prevention Code, 2009 edition with the following Appendices:

- Appendix B – Fire Flow Requirements for Buildings
- Appendix C – Fire Hydrant Locations and Distribution
- Appendix D – Fire Apparatus Access Roads
- Appendix J – Emergency Responder Radio Coverage

as published by the International Code Council, Inc. 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041-3401, and b) the NFPA 101 Life Safety Code, 2009 edition, published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02169-7471, are hereby adopted by reference as if fully set forth herein, together with the amendments listed herein, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion. These codes and amendments thereto shall be known as the "City of St. Charles Fire Prevention Code."

15.28.020 Bureau of Fire Prevention – Establishment & Duties.

- A. The Fire Prevention Code shall be enforced by the Bureau of Fire Prevention in the Fire Department of the City, which is established and which shall operate under the supervision of the Chief of the Fire Department.
- B. The person in charge of the Bureau of Fire Prevention shall be designated by and serve at the pleasure of the Chief of the St. Charles Fire Department.
- C. The Chief of the Fire Department may detail such members of the Fire Department as inspectors as shall from time to time be necessary.
- D. The Chief of the Fire Department shall recommend any amendments to the Code, which, in his judgment, shall be desirable.

15.28.030 Definitions.

- A. Wherever the words “Fire Prevention Code” or “Code” are used, they shall be held to mean the City of St. Charles, Illinois, Fire Prevention Code.
- B. Wherever the word “Municipality” is used in the Fire Prevention Code, it shall be held to mean the City of St. Charles, Illinois.
- C. Wherever the term “Corporation Counsel” is used in the Fire Prevention Code, it shall be held to mean the City Attorney for the City of St. Charles, Illinois.
- D. Wherever the term “Fire Officials,” “Fire Inspector,” “Inspector,” “Code Official,” “Authority Having Jurisdiction,” or “Fire Marshal” is used, it shall be held to mean the Chief of the St. Charles Fire Department or his designee.
- E. Wherever the term “Bureau of Fire Prevention” is used, it shall be held to mean the Bureau of Fire Prevention of the City of St. Charles Fire Department, St. Charles, Illinois.

15.28.040 Limits for the storage, handling, processing, manufacturing and transportation of flammable, hazardous or toxic chemicals, liquids and gases.

- A. **Prohibited Storage of Explosives and Blasting Agents.** The storage, handling and use of explosives and blasting agents are hereby prohibited.
- B. **Prohibited Storage of Flammable and Combustible Liquids.** The storage of flammable and combustible liquids in outside, above-ground tanks is hereby restricted as follows: As approved by the Fire Prevention Code by the City of St. Charles, Illinois 60174. See F-2206.2.3.
- C. **Prohibited Storage and Manufacturing of Fireworks.** The manufacture, sale, handling, use or storage of fireworks is prohibited within the corporate limit of the City of St. Charles. See F-3301 (pg. 299), Explosives & Fireworks.
- D. **Restricted Bulk Storage of Liquefied Petroleum Gases.** The bulk storage of liquefied petroleum gases in excess of 500 gallons of water capacity is hereby prohibited.
- E. **Motor Vehicle Routes for Transporting Hazardous Chemicals and Other Dangerous Articles Including Liquefied Petroleum Gases and Combustible and Flammable Liquids.** Routes for vehicles transporting hazardous chemicals and other dangerous articles including combustible and flammable liquids are hereby established as follows:

1. Routes approved by the state or federal governments.
2. No tank vehicles shall be parked for over one hour or left unattended at any time.

15.28.050 Amendments to the ICC International Fire Code 2009.

1. Section 101.1 insert the name of jurisdiction: "City of St. Charles, Kane and DuPage Counties, Illinois."
2. Amend Section 307.4.3, "Portable outdoor fireplaces." Delete the exception.
3. Amend Section 308, "Open Flames" as follows:

Amend 308.1.6.2 "Portable fueled open-flame devices." Delete exception #4.

Amend 308.3 "Group A occupancies." Delete exceptions #1.2, 1.3, 2, & 3.

4. Add Section 318 "Miscellaneous Provisions" to read as follows:

"318 Miscellaneous Provisions

318.1 Tenant Separation. Each tenant space shall be separated from other tenant spaces and corridors by walls, partitions, and floor-ceiling assemblies having at least a one- (1) hour approved fire resistance rating."

5. Add Section 506.3 "Location" to read as follows:

"506.3 Location. The installation of the approved key box shall be approved by the Fire Chief. The box shall be located not more than six (6') feet above grade. The key box may be supervised by a tamper switch."

6. Delete the provisions of Sections 507.1 and 507.5.1, including the exceptions to 507.5.1 and substitute the following therefor:

"507.1 Required Water Supply. An approved public water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings, or portions of buildings are hereafter constructed or moved into within the jurisdiction. The approved water supply system shall be capable of meeting the following minimum criteria.

- a. The system shall be under pressure with an average static pressure of not less than 35 pounds per square inch (PSI).
- b. Flows shall be calculated at 20-PSI residual pressure.
- c. Water supplies shall be available for a continuous four-hour duration.

507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 300 feet from a

hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the Fire Marshal.”

507.5.1.1 Hydrants shall be located approximately ten (10) feet from an all-weather roadway. If this cannot be done, the closest part of the hydrant shall be set back at least five (5) feet from the curb line.

507.5.1.2 A fire hydrant shall be located within 75 feet of the fire department connection that it serves.

507.5.1.3 Access to fire hydrants shall be all-weather roadways adequate in width, clearance and strength for fire fighting purposes. Such routes, including private roadways shall be maintained accessible during all seasons of the year. Legal provisions will be required for private roads.

507.5.1.4 Fire hydrants shall meet the requirements of the City of St. Charles and the standards of the American Water Works Association, and shall have two and one-half (2½) inch outlets and one (1) four and one-half (4½) inch outlet with auxiliary gate valves on the hydrant branch line. Threads shall be American National Standard. Pumper outlets shall face roadways.”

7. Amend Section 605.1 “Abatement of Electrical Hazards” to read as follows:

“605.1 Abatement of Electrical Hazards. Identified electrical hazards shall be abated. Identified hazardous electrical conditions in permanent wiring shall be brought to the attention of the code official responsible for enforcement of the electrical code as adopted in Section 15.04.040 of the St. Charles Municipal Code. Electrical wiring, devices, appliances and other equipment that is modified or damaged and constitutes an electrical shock or fire hazard shall not be used.”

8. Add Section 605.11 “Service Disconnects” to read as follows:

“605.11 Service Disconnects. Service disconnecting means shall be provided either outside the building or via a key operated remote control, located at the fire alarm control panel or other approved location, and shall have provisions to allow the service to be locked open. Each building/tenant space shall have a main disconnect incorporated within the main distribution panel inside the space.”

9. Amend Section 901.7 “System out of service” to read as follows:

“901.7 System out of service. Where a required fire protection system is out of service, the fire department and the fire code official shall be notified immediately and, where required by the fire code official, the building shall either be evacuated or an approved fire watch shall be provided for all occupants left unprotected by the shut down until the fire protection system has been returned to

service. Fire protection systems shall not be out of service for more than twenty-four (24) hours for maintenance or repairs. Where utilized, fire watches shall be provided with at least one approved means for notification of the fire department and their only duty shall be to perform constant patrols of the protected premises and keep watch for fires.”

10. Add Section 901.10 “Inspection, Testing, and Maintenance” to read as follows:

“901.10 Inspection, Testing, and Maintenance. For purposes of supplementing the provisions of this article, the City Council hereby adopts NFPA 25 Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems.”

11. Delete the provisions in Section 903.2 “Automatic Sprinkler Systems – Where Required” inclusive of subsections 903.2.1 through 903.2.12 and Table 903.2.11.6 and substitute the following therefor:

“903.2 Where required. An approved automatic sprinkler system installed in accordance with the provisions of all applicable codes and standards shall be provided and maintained in full operating condition throughout every story and basement of all buildings subject to this code.

Exceptions:

1. Unoccupied structures of less than 400 square feet, considered low hazard and located not less than 100 feet from another structure. The requirements shall be subject to modifications by the authority having jurisdiction to compensate for particular building conditions to meet the intention of the code.
2. Salt Dome Structures, Provided:
 - a. The structure is constructed with approved noncombustible material.
 - b. The structure is continually monitored by an approved automatic fire alarm system.
 - c. The structure is located a minimum distance of one-hundred (100) feet from any principle building, fueling facilities, and other high hazard occupancies or materials as defined in the adopted Building Code.
3. Unenclosed Roof Structures:
 - a. The structure is constructed with approved noncombustible material.
 - b. The structure is located a minimum distance over one hundred (100) feet from any principle building.”

12. Amend Section 903.6 “Existing Buildings” and add 903.6.3 “Change of use classification” to read as follows:

“903.6.3 Change of use classification. An automatic sprinkler system shall be provided throughout a building, when the use classification of the building or a space within the building changes. This requirement shall be subject to modifications by the authority having jurisdiction to compensate for particular building conditions.”

13. Delete the provisions of Section 907.2 “Where required” and substitute the following therefor:

“907.2 Where required. An approved fire alarm system installed in accordance with the provisions of this code and NFPA 72 shall be provided in new buildings and structures in accordance with Sections 907.2.1 through 907.2.23 and provide occupant notification in accordance with 907.6, unless other requirements are provided by another section of this code. Notwithstanding any provision of Section 907 and its subsections to the contrary, an approved manual fire alarm signaling system shall be installed and maintained in all buildings over one (1) story in height or over 1,000 square feet.”

14. Delete all of the Exceptions to 907.2.3 “Group E,” in their entirety.

15. Delete the provisions of Section 907.3 “Where required in existing buildings and structures” and substitute the following therefor:

“907.3 Where required in existing buildings and structures. An approved fire alarm system shall be installed in existing buildings and structures where required in chapter 46. Notwithstanding any provision of Section 907 and its subsections to the contrary, an approved manual fire alarm signaling system shall be installed and maintained in all buildings over one (1) story in height or over 1,000 square feet.”

16. Delete the provisions of Section 907.7.5 “Monitoring” and its exceptions and substitute the following therefor:

“907.7.5 Supervisory service. Where required by this chapter or the International Fire Code, an approved supervising station in accordance with NFPA 72 shall monitor fire alarm systems. All required fire protective signaling systems shall transmit alarm and trouble signs to an approved central station, proprietary system, or remote-station system, and shall be approved by the Fire Department. The following methods are approved:

1. Direct connect
2. AES Radio or other approved 2-way radio frequency systems
3. Or other methods approved by the Fire Official

Exception: Supervisory service is not required for:

1. Single- and multiple-station smoke alarms required by Section 907.2.10

2. Smoke detectors in Group I-3 Occupancies
3. Automatic sprinkler systems in 1 and 2 family dwellings

17. Delete the provisions of Section 907.7.5.1 "Automatic telephone-dialing devices".
18. Amend the provisions of Section 912.1 "Installation" and substitute the following therefor:

"912.1 Installation. The type (Siamese, Storz) and size of the fire department connection shall be in accordance with the NFPA standard applicable to the system design and shall be subject to approval of the Fire Department, based upon an analysis of the building's size and use group. Generally, a 5-inch size, Storz type connection is required."

19. Delete the "Exception" to 914.2.1 "Automatic sprinkler system."
20. Delete "Exceptions #1 & #2" to Section 914.3.1 "Automatic sprinkler system."
21. Delete "Exceptions #1 & #2" to Section 914.4.1 "Automatic sprinkler system."
22. Delete "Exceptions #1, & #2" to Section 914.6.1 "Automatic sprinkler system."
23. Add subparagraph "6" to Section 1006.3 "Illumination emergency power" to read as follows:
 - "6. In all rooms and spaces over 2,000 square feet in area with an occupancy load of 20 or more."
24. Amend the provisions of Section 1008.1.9.3 "Locks and Latches" by deleting "Conditions No. 2, 2.1, 2.2, and 2.3."
25. Amend Table 1018.1 to read as follows:

Table 1018.1
Corridor Fire Resistance Rating

Occupancy	Occupant Load Served by Corridor	Required Fire-Resistance Rating (hours)	
		Without Sprinkler System	With Sprinkler System (c)
H-1, H-2, H-3	All	Not Permitted	1
H-4, H-5	Greater than 30	Not Permitted	1
A, B, E, F, M, S, U	Greater than 30	Not Permitted	1
R	Greater than 10	Not Permitted	1
I-2 (a), I-4	All	Not Permitted	1
I-1, I-3	All	Not Permitted	1 (b)
(a) For requirements for occupancies in Group I-2, see Section 407.3.			
(b) For a reduction in the fire-resistance rating of occupancies in Group I-3, see Section 408.7.			
(c) Buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2 where allowed.			

26. Amend Section 2206.2.2 "Above-ground tanks located inside buildings" to read as follows:

"2206.2.2 Above-ground tanks located inside buildings. Above-ground tanks for the storage of Class I, II and IIIA liquid fuels are not allowed to be located in buildings."

27. Amend Section 2206.2.3 "Above-ground tanks located outside" to read as follows:

"2206.2.3 Above-ground tanks located outside, above grade. The storage of flammable or combustible liquids in outside aboveground tanks is prohibited within the corporate limits of the City of St. Charles, Illinois, except by Special Permit issued by the Fire Chief. Compliance with the following criteria is required for the issuance of a Special Use Permit for such use:

1. Above ground tanks used for outside, above-grade storage of Class I liquids shall be listed and labeled as protected aboveground tanks and be in accordance with Chapter 34. Such tanks shall be located in accordance with Table 2206.2.3.
2. Above-ground tanks used for above-grade storage of Class II or IIIA liquids are allowed to be protected above-ground tanks or, when approved by the Chief Fire Official, other above-ground tanks that comply with Chapter 34. Tank locations shall be in accordance with Table 2206.2.3.

3. Tanks containing fuels shall not exceed 500 gallons in individual capacity or 1000 gallons in aggregate capacity.
4. Tanks located at farms, construction projects, or rural areas shall comply with Section 3406.2.
5. Above-ground tanks shall not be used for the outside storage of motor fuels at automotive service stations.
6. A site plan for the installation of the aboveground tank shall be submitted to the Fire Official showing all buildings and structures on the same parcel.
7. At least 2 (two) fire hydrants shall be provided within 300 feet of the aboveground tank.
 - a. The minimum flow for each hydrant shall be 1,000 gallons each.
 - b. The fire flow duration shall be 60 minutes for flows up to 1,000 gpm; 2 hours to 2,000 gpm, and 3 hours for 3,000 gpm.
8. The aboveground tank shall be protected with physical barriers per Section 312.2.
9. Aboveground storage tank(s) shall not be for use by the general public nor shall any liquid contained in an aboveground tank be transferred into any type vessel or device to be used or controlled by the general public.
10. No liquid shall be stored in an aboveground tank that has a flash point less than that of gasoline or -36 to -45 degrees F.
11. An automatic shutoff device capable of stopping the delivery of fuel into a storage tank at 90% of the tank capacity shall be provided.
12. Tank contents must be transferred by means of fixed pumps only. Pumps must be designed and equipped so as to prevent accidental discharge.
13. All tank openings associated with piping, vents, and inspections, shall be through the top of the tank only.
14. Approved anti-siphon devices shall be installed at each connection of the piping to the tank when such piping extends below the level of the top of the tank.
15. U.L. listed, portable ABC type fire extinguisher(s) shall be provided.
16. No parking is allowed within 50 feet of an aboveground tank.
17. All aboveground tank plans must include the following:
 - a. Site plans as mentioned above.
 - b. Aboveground tank details including all piping systems, pump and transfer systems, manufacturer's tank specifications, and all site protection, safety equipment, and safety signage per NFPA 704.
 - c. The aboveground tank requires a City of St. Charles Building Permit, and 4 (four) sets of plans and specifications are required.
 - d. Approval for all aboveground tank installations shall be by the Fire Chief Marshal and the Building Official.

**TABLE 2206.2.3
MINIMUM SEPARATION REQUIREMENTS FOR ABOVEGROUND TANKS**

CLASS OF LIQUID AND TANK TYPE	INDIVIDUAL TANK CAPACITY (gallons)	MINIMUM DISTANCE FROM NEAREST IMPORTANT BUILDING ON SAME PROPERTY (feet)	MINIMUM DISTANCE FROM NEAREST FUEL DISPENSER (feet)	MINIMUM DISTANCE FROM LOT LINE WHICH IS OR CAN BE BUILT UPON, INCLUDING THE OPPOSITE SIDE OF A PUBLIC WAY (feet)	MINIMUM DISTANCE FROM NEAREST SIDE OF ANY PUBLIC WAY (feet)	MINIMUM DISTANCE BETWEEN TANKS (feet)
Class I protected above-ground tanks or tanks in vaults	500	50	25 ^a	100	50	3
Class II and III protected above-ground tanks or tanks in vaults	Same as Class I	Same as Class I	Same as Class I	Same as Class I	Same as Class I	Same as Class I
Other tanks	All	50	50	100	50	3

For SI: 1 foot = 304.8 mm, 1 gallon = 3.785 L.

a. At fleet vehicle motor fuel-dispensing facilities, no minimum separation distance is required.

28. Amend Section 2703.1 "Scope" to read as follows:

"2703.1 Scope. The storage, use and handling of all hazardous materials shall be in accordance with this Section and Exhibit A."

29. Delete the provisions of Section 2703.2.4.2 "Aboveground tanks" in its entirety, including the exception and Section 2703.2.4.2.1. (See Section 2206.2.3 for applicable regulations.)

30. Add Section 3301.2 "Permit required" to read as follows:

"3301.2 Permit required. Permits shall be required as set forth in Section 105.6 and regulated in accordance with this section. An application for permit, on a form developed by the Fire Official, shall be made in writing at least thirty (30) days in advance of the display of fireworks or discharge of explosives."

31. Amend Section 3405.1 "Scope" to read as follows:

"3405.1 Scope. Dispensing, use, mixing and handling of flammable liquids shall be in accordance with Section 3403 and this Section. Tank vehicle and tank car loading and unloading and other special operations shall be in accordance with Section 3406. Flammable or combustible liquids shall not be dispensed by gravity from tanks, drums, barrels or similar containers. Approved pumps that take suction from the top of the container shall be used. Unattended dispensing operations by the general public shall be prohibited. No tank vehicle shall be left unattended on any lot, street, highway, avenue, alley, or any other location, public or private.

Exception:

1. Containers of organic coatings having no fire point and which are opened for pigmentation are not required to comply with this Section."

32. Add Section 3801.4, "Storage Prohibited/Permit Required" to read as follows:

"3801.4 Storage Prohibited/Permit Required. Aboveground storage of liquefied petroleum gas utilizing one or more containers having a total capacity of over 1,000 gallons water capacity shall be prohibited."

33. Add Section 3801.5 to read as follows:

"3801.5 Parking Restrictions. No tank vehicle shall be left unattended on any lot, street, highway, avenue, alley or any other location, public or private."

34. Add "Exhibit A Performance Guidelines for High Hazard Uses in the City of St. Charles":

Exhibit A
Performance Guidelines for High Hazard Uses in the City of St. Charles

1. Specific location: The geographic location and distances to other structures, rivers, streams, and other use groups.
2. Zoning: The proximate distances to assembly, educational, institutional, and residential uses and vacant land zoned for these uses.
3. Types of hazardous materials which are not allowed: Materials listed in Section 307.3 High Hazard Group H-1 that present a detonation hazard shall not be permitted under any circumstances.
4. Allowable construction types: Type I and II only.
5. Required fire protection for High Hazard materials:
 - a. Provide extra hazard Group II fire sprinkler system
 - b. Provide a fixed foam fire protection system
6. Required water supply system: 3,000 to 6,000 gallons per minute from a reliable source."

15.28.060 Emergency Conditions.

In case there shall be, in the opinion of the Fire Official, actual and immediate danger to life and property from the hazards of fire and explosion arising from the storage, handling, or use of hazardous substances, materials, or devices, or from conditions hazardous to life and property in the use or occupancy of buildings or premises, the Fire Official shall employ such labor and machinery, equipment and devices and cause the necessary work to be done to render said occupants or property temporarily safe, whether the procedure prescribed in this section has been instituted or not.

- A. Where practical and time constraints permit, the owner, occupant or other person responsible for the emergency condition shall be notified of the emergency condition, in writing, and shall have the option of making the condition safe.
- B. The owner and occupants of the premises shall be jointly and severally liable for any costs incurred in connection with the same.
- C. The Fire Official of the City of St. Charles, Illinois, shall cause proper action to be instituted against the owner of the premises, and the occupants if different than the owners, for the recovery of costs incurred by the City of St. Charles, Illinois, in the performance of the emergency work.
- D. For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them:
 - a. "Hazardous Substance" or "Hazardous Material" means any substance or material or mixture of substances which is toxic, corrosive, an irritant, strong sensitizer, radioactive, flammable, combustible, or which generates pressure through decomposition, heat or other means and which may cause injury, or illness to humans, domestic livestock, or wildlife or as defined by the Illinois Environmental Protection Act or any federal law.

- b. "Hazardous material Incident" means an incident which threatens public health or safety involving the actual or potential release of a hazardous substance or hazardous material.
- c. "Toxic" means any substance (other than a radioactive substance) which has the capacity to produce bodily injury or illness to man through ingestion, inhalation, or absorption through any body surface.
- d. "Corrosive" means any substance which, in contact with living tissue, causes destruction of tissue by chemical action, but does not refer to action on inanimate surfaces.
- e. "Irritant" means any substance, no corrosive, which, on immediate, prolonged or repeated contact with normal living tissue, will induce local inflammatory reaction.
- f. "Strong Sensitizer" means any substance which will cause on normal living tissue through an allergic or photo dynamic process, a hypersensitivity of the same substance.
- g. "Radioactive" means any substance which emits ionizing radiation.
- h. "Flammable" means any substance which has a flash point of less than 100 degrees Fahrenheit.
- i. "Combustible" means substance with a flash point greater than 100 degrees Fahrenheit.
- j. "Person" shall mean any individual, partnership, corporation, trust, firm, company, estate, association, or other legal entity.

Control of Hazardous Substances or Hazardous Materials:

- a. It shall be unlawful for any person to use, store, deliver or transport hazardous substances or hazardous materials, or cause the use, storage, delivery of transporting of hazardous substances or hazardous materials in any manner inconsistent with the requirements of the Fire Prevention Code of the City of St. Charles or any other applicable City ordinance, County ordinance, State law or Federal law.
- b. It shall be unlawful for any motor vehicle carrying, transporting or containing a hazardous substance or hazardous material to park or stand, other than temporarily for the purpose of, and while actually engaging in, loading or unloading, on private property, without the knowledge and express consent of the person who is in charge of the property and who is aware of the nature of the hazardous substance or hazardous material the motor vehicle contains.

- c. It shall be unlawful for any person using, storing, manufacturing, producing, disposing, treating, transporting or causing the use, storage, manufacture, production, disposal, treatment or transportation of any hazardous substance or hazardous material in any manner which results in a hazardous materials incident.

Hazardous Materials or Hazardous Substance Incident Expense Recovery:

- a. Any person causing or permitting a hazardous material incident shall be responsible for all of the following:
 - 1) Reimbursement in full, of any and all costs incurred by the City in connection with the operation (including equipment and vehicles), maintenance, and staffing required to respond to such hazardous materials incident. Vehicles and staffing will be charged the hourly rate of pay, including overtime expenses and overhead costs, for each employee who participates in such response to a hazardous materials incident. Any maintenance costs incurred by the City will be reimbursed at the rate of time and materials.
 - 2) Reimbursement, in full, for any and all costs incurred by the City for equipment and materials used, damage, lost, spent, destroyed or rendered irreparable in connection with a hazardous materials incident.
 - 3) Assumption of, and all liability and costs for, any cleanup or removal resulting from any hazardous material incident, including but not limited to any independent cleanup contractor necessitated by such hazardous material incident.
 - 4) Any and all costs and reasonable attorney's fees incurred in connection with the enforcement of the Ordinance and any collection undertaken hereunder.
- b. The City of St. Charles shall prepare and forward to the person or persons causing or permitting a hazardous material incident a bill for the total costs and expenses incurred for which such person or persons are responsible pursuant to this Section; provided, however, any costs in connection with any independent cleanup contractor shall be billed directly by such contractor. Payment of the total bill shall be made within thirty (30) days of receipt. Any bill or portion of a bill remaining unpaid after thirty (30) days of receipt shall accrue interest on the unpaid balance at the rate of 1 ½% per month, or fraction of month.

Limitation of Liability: The City, its officers, agents or employees, shall not have any liability or responsibility for any claim, injury, or damage of any kind resulting from a hazardous material incident to which the City or any of its departments, officers, agents or employees responds.

Invalidity: Should any clause, sentence, paragraph or part of this Ordinance be declared a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

15.28.070 Appeals.

Any person may appeal a decision of the Chief of the Fire Department under this chapter, in the following manner:

- A. **Appeal Step 1.** Any person may submit to the Fire Chief a Request for Reconsideration of the Decision. The Fire Chief and the person filing the Request for Reconsideration shall conduct a personal meeting to discuss the Request for Reconsideration within 14 days after the Request is submitted. Within 14 days after the personal meeting, the Fire Chief shall either affirm or modify the original decision.
- B. **Appeal Step 2.** Any person who shall disagree with the affirmation or modification of the original decision by the Fire Chief provided for in Appeal Step 1 above, may appeal that decision to the City Building Board of Review of the City of St. Charles.

15.28.080 New materials, processes or occupancies requiring permits.

The Building Commissioner, the Chief of the Fire Department, and the Chief of the Bureau of Fire Prevention shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in the Fire Prevention Code. The Chief of the Bureau of Fire Prevention shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

15.28.090 Violation - Penalty.

Any violations of this chapter shall be enforced and prosecuted in accordance with the provisions of Chapter 15.101 of the St. Charles Municipal Code. The Chief of the Fire Department shall have all of the rights and responsibilities given to the Building Commissioner under Chapter 15.101 for the prosecution and enforcement of any violations under this chapter.

15.28.100 Fire Alarm Systems.

- A. **Purpose and Intent.** The ordinance codified in this section is adopted for the purpose of regulating and permitting fire alarm systems to which the fire department is expected to respond and to supplement the provisions of the ICC International Fire Prevention Code, 2009 edition and the NFPA 101 Life Safety Code, 2009 edition as previously adopted.
- B. **Applicability.** The provisions of this section shall apply to all fire alarm systems used and operated within the jurisdiction of the St. Charles Fire Department.
 - 1. The provisions of this section shall not apply to any electric, wired, or battery operated, single station smoke detectors installed to alert the occupants of any single-family residence to the danger of a fire.
 - 2. For the purpose of supplementing the provisions contained in this section, the NFPA 72 - National Fire Alarm Code, 2007 edition, published by the National Fire Protection Association, is hereby adopted by reference as if fully set forth herein.

C. Definitions.

1. Alarm Notification Appliance - a fire alarm system component such as a bell, horn, speaker, light, or text display that provides audible, tactile, or visible outputs, or any combination thereof.
2. Alarm System – As defined in the national fire alarm code, a system or portion of a combination system consisting of components and circuits arranged to monitor and annunciate the status of fire alarm or supervisory signal-initiating devices and to initiate the appropriate response to those signals.
3. Alarm User - a person(s), firm, partnership, corporation, association, organization, company or other entity in control of a protected premise where an alarm system is located.
4. Audible Alarm – an alarm notification that alerts by sense of hearing.
5. Automatic Dialing Telephone Alarm - a device that automatically dials any of the Tri-Com Communications Center emergency telephone lines, without human activation of the device by the alarm user or employee of the alarm user, upon detection of an unauthorized entry or other unauthorized activity at a protected premise.
6. Calendar Year - means a 12-month period beginning January 1 and ending December 31 every year.
7. Central Station Service Fire Alarm System – a system or group of systems in which the operations of circuits and devices are transmitted automatically to, recorded in, maintained by, and supervised from a listed central station that has competent and experienced servers and operators in attendance at all times who, upon receipt of a signal, take such action as appropriate and required. Such service is to be controlled and operated by a person, firm, or corporation whose business is the furnishing, maintaining, or monitoring of supervised fire alarm systems.
8. City - means City of St. Charles.
9. Digital Alarm Communicator System - a system in which signals are transmitted from a digital alarm communicator transmitter located at a protected premises through the public switched telephone network to a digital alarm communicator receiver at a central alarm station or the Tri-Com Communication Center.
10. 2 way radio frequency system – a system in which signals are transmitted from a 2 way radio frequency system located at a protected premises Via a radio frequency signal to a 2-way radio receiver at a central station or the Tri-Com Communication Center.
11. Fire Alarm Company - any person, firm, partnership, corporation, association, organization, company, or other entity engaged in the selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing any fire alarm system or causing the same to be sold, leased, maintained, serviced, repaired, altered, replaced, moved, or installed in or on any building, structure or facility.
12. Fire Alarm Agent - means any person employed by, working for, representing, or subcontracted by a fire alarm company.

13. Fire Alarm Monitoring Agency – any person, firm, partnership, association, corporation, or organization which contracts with a fire alarm user to receive and initiate action on fire alarm system signals. The agency must be UL or FM listed for fire alarm monitoring.
14. Fire Chief - means the Chief of the City of St. Charles Fire Department or his designee.
15. False Fire Alarm - any activation or transmission of a fire alarm signal to the Tri-Com Communications Center or the St. Charles Fire Department where no actual emergency or fire condition exists as determined by the Fire Department. A false fire alarm may be caused by human error or mechanical malfunction, whether or not the exact cause of the error or malfunction is identified.
16. Mayor – Mayor of the City of St. Charles or his designee.
17. National Fire Alarm Code – NFPA 72, 2007 edition, published by the National Fire Protection Association.
18. Notice - written notice given by personal service upon the addressee, or, given by the United States Postal Office, postage paid, to the addressee's last known mailing address.
19. Nuisance Fire Alarm – The reoccurrence of an activated false fire alarm on a continuous basis and the alarm user has not taken the necessary action to prevent the continued occurrence of an activated false fire alarm.
20. Permittee - means any person, firm, partnership, corporation, association, organization, company, or other entity issued an alarm permit by the city.
21. Person - means a natural person, or a firm, partnership, corporation, association, organization, company, or other entity.
22. Prerecorded telephone message - means a prerecorded voice message transmitted or received over a telephone line.
23. Protected premises - any building, facility, structure, or physical location protected by a fire alarm system.
24. Response Fees – fees charged to an alarm user for responses to a false fire alarm activation.

D. Permit Required.

1. It is unlawful for any person, firm, partnership, corporation or other entity to use, own or lease a fire alarm system or to be in control of a protected premise, wherein an alarm system is operated or maintained without having first obtained a permit as provided in this chapter.
2. It is unlawful for any person, firm, partnership, corporation or other legal entity to use, own or lease an alarm system or to be in control of a protected premises wherein an alarm system is operated or maintained when a permit therefore has been revoked.
3. A permit must be obtained for each separately addressed operating location.
4. No fee shall be charged to obtain an alarm user permit.
5. All permits issued are valid indefinitely unless revoked.

E. **Permit Application.** For every new fire alarm system and any time there is a change in the information required by this section, every fire alarm user shall file a completed or amended application for a fire alarm permit with the Fire Department for review and approval.

1. Each applicant for a permit to maintain a fire alarm system shall file a written application with the Fire Department stating:
 - a. The full legal name, address and telephone number of the applicant.
 - b. The name, address and telephone number of the proposed protected premises where the fire alarm is located.
 - c. Any fire alarm system designed to transmit a signal to a fire alarm monitoring agency shall include the name, address, and telephone number of said agency.
 - d. The type of fire alarm system at the protected premises.
 - e. A list of three persons, including their addresses and telephone numbers, who can be contacted and will respond to the protected premises in the event of an emergency or to reset or deactivate the fire alarm system, or who could contact the alarm user if the alarm user is not at the protected premises.
 - f. The name, address, and telephone number of the fire alarm company that installed the fire alarm.
 - g. The name, address, and telephone number of the fire alarm company that is responsible for the maintenance and repair of the fire alarm system, if applicable.
2. Incomplete applications shall be returned to the applicant:
 - a. A permit will not be issued until the completed application is received and the Fire Chief or his designate has granted approval for the permit.
3. An application for an alarm user permit shall be denied if:
 - a. The applicant has failed to pay false fire alarm fees required by this ordinance for a different protected premises under the applicant's ownership or control.
 - b. The applicant has failed to comply with any provisions of this ordinance or other ordinances of the city.
4. The Fire Chief or his designate shall be responsible for processing and issuing alarm user permits.
5. It shall be unlawful for any alarm user to fail or refuse to amend its alarm user permit application within 14 days after any of the information required and obtained therein becomes outdated or inaccurate.

F. **Alarm Activation at a Protected Premises Where an Alarm User Permit has not Been Issued.** Each notice to the Tri-Com Communications Center or the Fire Department of an activation of a fire alarm system at the protected premises protected by a fire alarm which is not permitted shall be considered a separate violation of this chapter and any

alarm user who does not have a valid fire alarm user permit will be assessed a fine in the amount of \$300.

G. Fire Alarm Systems; Maintenance and Testing.

1. All fire alarm users installing a new fire alarm system or making alterations to an existing fire alarm system, shall provide the St. Charles Fire Department with information regarding system specifications including, but not limited to, wiring diagrams, floor plans, battery calculations and specification sheets for all components of the system as outlined in the national fire alarm code.
2. The St. Charles Fire Department shall approve the submitted specifications, diagrams, floor plans, and other required information for fire alarm systems prior to the installation of any equipment or wiring.
3. Before the City of St. Charles issues an occupancy permit for any multi-family or nonresidential structure, the St. Charles Fire Department shall inspect and approve the installation of the fire alarm systems.
4. The St. Charles Fire Department shall inspect and approve fire alarm systems in accordance with the national fire alarm code, applicable National Fire Protection Association (NFPA) standards, the fire prevention code, and the applicable requirements of this code, all as amended from time to time.
5. On an annual basis, all fire alarm systems shall be tested, and the system components shall be cleaned. A copy of the report documenting the results of annual testing and cleaning of the fire alarm system shall be copied to the Fire Department and kept on premises for three (3) years.
6. Fire alarm users are solely responsible for complying with the requirements of this chapter and shall not be exempt there from because of any inspection performed by the fire department.
7. The St. Charles Fire Department and its authorized agents are hereby authorized to reset any inoperable fire alarm system at any time such a condition is discovered or notice of such a condition is received. Neither the city nor the fire department shall have any liability for taking such action, and the fire alarm system user shall remain solely responsible for the proper resetting, function, and operation of such system.
8. The St. Charles Fire Department may, at any prescheduled or reasonable time, test any multi-family or nonresidential fire alarm system.
9. If, upon inspection, any multi-family or nonresidential fire alarm system is determined to be inoperable, the St. Charles Fire Department may issue a warning notice or citation for a violation of the requirements of this article.
10. Within ten (10) days after the fire department issues a warning notice or citation for violation of the requirements of this article for an inoperable fire alarm system, the fire department shall reinspect the inoperable fire alarm system to determine whether it has been repaired and is functioning properly.
11. Where such a fire alarm system remains inoperable at the time of the first reinspection, additional citations may be issued, with each day the fire alarm system remains inoperable constituting a separate offense.

H. Prohibited Activity.

1. It shall be unlawful for any alarm user to fail or refuse to obtain a fire alarm permit or amend its fire alarm user permit application within 14 days after any of the information required and obtained therein becomes outdated or inaccurate.
 2. It shall be unlawful for any fire alarm user to cause or permit the disconnection of any multi-family or nonresidential fire alarm system installed pursuant to the requirements of this article unless approved by the St. Charles Fire Department. The fire alarm user or fire alarm company shall notify the Fire Department of any such disconnection seven (7) days prior to the actual disconnection.
 3. No individual, firm, partnership, corporation, association, organization, company, or other entity shall use or cause or permit to be used or engage in the business of providing any telephone device and telephone attachment that automatically activates 911 lines connected to any Regional Communications (PSAP) Public Answering Point telephone, and then reproduce any voice message to report an emergency or fire condition. This includes prerecorded automatic voice alarms for elevators.
 4. Each violation of this section shall be subject to a fine of not less than one hundred dollars (\$100.00), and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
- I. **Transfer of Alarm User Permit Prohibited.** A fire alarm user permit cannot be transferred to another premises or to another person.
- J. **False Alarms Prohibited.** It shall be unlawful for any person to start or spread any false alarm of fire or to knowingly activate a fire alarm system for the purpose of summoning the Fire Department except if such person knows or suspects that there is an actual emergency or fire condition on the premises.
- K. **False Alarms - Fines – Notifications.** A response fee shall be imposed in all fire alarm users to reimburse the Fire Department for the increased costs associated with responding to excess false fire alarms from any fire alarm system at a single protected location.
1. Any alarm user who has more than three (3) false fire alarms within a calendar year at a single protected location will be assessed fines according to the following fine schedule:
 - a. Four to five false fire alarms: \$50 fine per false fire alarm
 - b. Six to ten false fire alarms: \$100 fine per false fire alarm
 - c. More than ten false fire alarms: \$300 fine per false fire alarm
 2. After the third recorded false alarm within any calendar year for any alarmed premises, the Fire Chief or his designee, shall send an invoice for response fees to the fire alarm user. Such invoice shall be sent by postage paid U.S. mail or personally delivered to the user of the alarmed premises where the false fire alarm(s) occurred.

3. Any individual, firm, partnership, corporation, association, organization, company or other entity in control of a protected premises where an alarm system is located accused of a violation of this article may settle and compromise the claim or violation by paying the invoice for response fees to the City, within thirty (30) days of after it is mailed. Payment of such claim or claims shall be made at the Finance Department of the City. In the event such claim or claims are not paid within thirty (30) days, or if the alarm user otherwise contests the validity of the claim, a complaint or notice to appear in court may be issued for the alleged violation.
4. The alarm user shall have the opportunity, within fourteen (14) days from the date of mailing or personal delivery, to submit a written request or meet with the Fire Chief for the purpose of showing cause as to whether circumstances exist to warrant voiding the invoice for response fees due false fire alarm activations. The Fire Chief shall review the alarm user's report and/or meet with the alarm user and issue a written finding to the alarm user as to whether or not the invoice for response fees due false fire alarm activations will be voided. The finding of the Fire Chief shall be final.
5. Any fire alarm user that exceeds the level of ten (10) false fire alarms per calendar year shall be required to enroll in the Underwriters Laboratory (UL) fire alarm certificate program. Such certificated users shall be subject to the UL random system inspections. Enrollment in this program would cease when the fire alarm user has demonstrated to the Fire Chief or his designate that the fire alarm system no longer transmits false fire alarms on a recurring basis.

L. False Fire Alarm Determinations.

1. There shall be a presumption that a fire alarm activation was a false fire alarm where the Fire Chief or his designee determines that;
 - a. There is no evidence of a fire or other smoke, heat, or noxious fume condition on the protected premises that would warrant a call for immediate response from the Fire Department.
 - b. There is no evidence that extraordinary weather conditions, electrical power failures, transmission line malfunctions or other circumstances beyond the control of the alarm user caused the activation of the fire alarm.
2. Whenever a new fire alarm system is installed, no fire alarm activation from such an alarmed premises shall be deemed to be a false fire alarm within the meaning of this chapter for a period not to exceed thirty (30) days after the approved installation of said fire alarm system.

M. Permit Revocation.

1. Any alarmed premise which has more than fifteen (15) false fire alarms within a calendar year, shall subject the alarm user to permit revocation as provided herein.

If city records show more than fifteen (15) false fire alarms within a calendar year for any alarmed premises:

- a. The Fire Chief shall notify the alarm user by certified mail or personal delivery, their fire alarm permit shall be revoked 30 days from the date of mailing or personal delivery. The alarm user shall have 14 days from the date of mailing or personal delivery to submit a written report to the Fire Chief describing actions taken or to be taken to identify and eliminate the cause of the false fire alarms and to request that their alarm user's permit be reinstated.
- b. If the alarm user submits a report requesting reinstatement of their fire alarm user's permit, the Fire Chief shall determine if the action taken or to be taken will substantially reduce the likelihood of false fire alarms; if he determines that the action will substantially reduce the likelihood of false fire alarms, he shall notify the alarm user, via certified mail or personal delivery, that the request to reinstate the fire alarm user's permit has been approved.
- c. If the fire alarm user's permit is reinstated and the Fire Department responds to a subsequent false fire alarm activation in the same calendar year at the protected premises, the Fire Chief shall proceed with the permit revocation process again as described in this section. The alarm user shall also be assessed a fine in the amount of \$300 for each subsequent false fire alarm through the remainder of the calendar year.
- d. If the Fire Chief determines that the action taken or to be taken will not substantially reduce the likelihood of false fire alarms, the request for reinstatement shall be denied. The Fire Chief shall give notice by certified mail or personal delivery to the user that the fire alarm permit will be revoked without further notice.
- e. An alarm user whose fire alarm permit has been revoked by the Fire Chief may, within 14 days of receipt of notice of revocation, appeal this decision by filing a written request for a review meeting with the Mayor.
- f. If a review meeting with the Mayor is requested, written notice of the time and place of the review meeting will be served on the alarm user by the Mayor by certified mail or personal delivery within 14 days of the request by the alarm user.
- g. The Fire Chief and the alarm user shall have the right to present written and oral evidence, subject to the right of cross examination by both parties.
- h. If the Mayor determines that the user has not taken action which substantially reduces the likelihood of false fire alarms, the Mayor shall issue written findings to that effect and an order denying reinstatement of the alarm user's fire alarm permit.
- i. If the Mayor determines that the alarm user has taken action which substantially reduces the likelihood of false fire alarms, the Mayor

shall issue written findings to that effect and an order approving reinstatement of the fire alarm user's permit.

- j. If the alarm user's fire alarm permit is reinstated, pursuant to the preceding paragraph and the Fire Department responds to a subsequent false fire alarm activation in the same calendar year at the protected premises, the Fire Chief shall proceed with the permit revocation process as described in this section. The alarm user shall also be assessed a fine in the amount of \$300 for each subsequent false fire alarm activation through the remainder of the calendar year.
 2. Any alarm user permittee who fails to pay fines or charges provided for under this section within 30 days from the date of the invoice requesting payment of same, shall have the subject alarm user's fire alarm permit revoked. Any such alarm user fire alarm permit shall not be reinstated until all the unpaid fines and fees are paid in full.
- N. **Testing Equipment.** No person shall conduct or cause to be conducted, any test or demonstration of any fire alarm system or signaling device that is directly connected to the Tri-Com Communications Center without first obtaining permission from Tri-Com. Permission to test shall not be required when the fire alarm system or signaling device is connected to an intermediary receiver and is not relayed to the Tri-Com Communications Center. Any test, which is not preceded immediately by notification to the Tri-Com Communications Center or pertinent central station, shall be deemed a false fire alarm as defined by this chapter.
- O. **No Liability of City.** The city assumes no liability for any defects in the operation of any fire alarm system or signal line system for any failure or neglect of any person associated with the installation or maintenance of any fire alarm system, for any failure or neglect of any alarm user, for the transmission or receipt of fire alarm signals, or any failure or neglect to respond upon receipt of an fire alarm from any source. In the event that the city finds it necessary to revoke an alarm user's fire alarm permit or to otherwise provide for the disconnection of any fire alarm system, the city shall have no liability for such action. No special duty other than that owed to the general public shall be created by virtue of this ordinance or by virtue of the issuance of a fire alarm system permit, the direct connection of an alarm system to the Tri-Com Communication Center, or as a result of the transmission to or receipt of alarm signals by the Tri-Com Communications Center.
- P. **Severability.** If any provision, clause, sentence, paragraph, section or part of this chapter or application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair, or invalidate the remainder of this chapter in the application of such provision to other persons or circumstances but shall be confined in its operation to the provision, clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstance involved. It is hereby declared to be the legislative intent of the City

Council that this chapter would have been adopted had such unconstitutional or invalid provisions, clause, sentence, paragraph, section, or part thereof not been included.

- Q. **Penalty for Violation.** Any person, firm, or corporation violating any provisions of this chapter in addition to the fees and specific fines established in this Chapter, may be fined as provided in Chapter 1.08 or as otherwise provided in this code. Each day during which a violation in this chapter continues or is permitted to exist shall be considered a separate and distinct offense."

SECTION TWO: That after the adoption and approval hereof this Ordinance shall be printed or published in book or pamphlet form, published by the authority of the City Council.

SECTION THREE: That this Ordinance shall be in full force and effect on February 1, 2010.

Presented to the City Council of the City of St. Charles, Illinois this _____ day of _____, 2010.

Passed by the City Council of the City of St. Charles, Illinois this _____ day of _____, 2010.

Approved by the Mayor of the City of St. Charles, Illinois this _____ day of _____, 2010.

Mayor

Attest:

City Clerk

Council Vote:

Ayes: _____

Nays: _____

Abstain: _____

Absent: _____

Ordinance No. _____

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Approved as to Form:

City Attorney

Date: _____

DRAFT